

LAW OFFICES

SHIFMAN & CARLSON, P.C.31700 MIDDLEBELT ROAD, SUITE 126
FARMINGTON HILLS, MICHIGAN 48334

TELEPHONE: (248) 406-0620 • (800) 799-8851 • TELECOPIER: (248) 406-0218

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OFFICE

DANIEL S. CARLSON

E-MAIL: dcarlson@shifmanandcarlsonlaw.com

66009-163

September 14, 2012

OUR FILE NUMBER

Office of General Counsel
Attn: Jeff S. Jordan and Frankie D. Hampton
Federal Election Commission
999 East Street, NW
Washington, D.C. 20463

Via Facsimile: 202-219-3923

Re: MUR 6622 – Response to FEC Complaint by Kerry Bentivolio for US Congress and Kerry Bentivolio, Treasurer

Dear Mr. Jordan,

I am writing on behalf of my clients, Kerry Bentivolio for US Congress and Kerry Bentivolio, Treasurer. The Federal Election Commission (the "FEC") Complaint filed against my clients by Paul Welday (the "Complaint") was forwarded to my clients by the FEC on August 9, 2010 and received by my clients on August 11, 2012, putting the original response deadline as August 26, 2012. The response deadline was subsequently extended by the FEC until September 15, 2012.

After a review of the Complaint and after discussions with my clients, it appears that issues outlined in the Complaint were mainly the result of input errors by the campaign's volunteer assistants. The campaign has already been in communication with representatives of the FEC to amend its reports and fix the errors contained within. Hopefully this response and the amended filings will alleviate the FEC's concerns.

Reports not signed by the Treasurer of the Committee:

Ms. Deborah Llewellyn filed a number of reports with the FEC on behalf of the Bentivolio for US Congress Campaign. However, an amended Statement of Organization naming Ms. Llewellyn as Treasurer or Assistant Treasurer was never filed. Ms. Llewellyn spoke with a representative at the FEC who told her that all she needed to do was to submit a letter that demonstrated Mr. Bentivolio's intent to have her function in that capacity. Upon receipt of that letter, the FEC issued her a username and password with which to file the reports. The campaign had authorized Ms. Llewellyn to file its reports as Treasurer, but, due to the misunderstanding, she appears to have not filed the amended Statement of Organization.

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Unjustified payments to candidate totaling \$100,000:

Each of the two payments of \$50,000 was a loan repayment. Mr. Bentivolio loaned over \$58,000 to his campaign in January prior to repaying \$50,000 of it in March. He again loaned over \$50,000 in June prior to repaying \$50,000 of it in July. These issues have been or will be clarified by the campaign in an amended report.

Excessive contributions:

There are three alleged excessive contributions. First, Young Americans for Liberty PAC did not actually make an excessive contribution. Instead, they aggregated funds from individual contributors but Ms. Llewellyn failed to attribute those contributions properly. This has been or will soon be resolved with an amended report.

Second, Ms. Lee contributed \$500, not \$5,000. This was a typographical error and has been or will be amended.

Finally, upon information and belief, Mr. Dindoffer's contributions were partially designated to the general election and partially to the primary. Mr. Dindoffer has also expressed the intent to have his contributions partially re-attributed from the general election to the special primary. Unfortunately, these designations were improperly recorded on the FEC report filed by the campaign. This issue has been or will be resolved in an amended statement as well.

Disappearing bank loan:

Ms. Llewellyn made an error when she filed the first report and reported a loan from the candidate as if it were a loan from the bank from which the funds were drawn. The supposed disappearing bank loan was replaced by certain personal loans (discussed *infra*). This is because the loans appear to not have been properly characterized and, as the Complaint points out, they were reported twice. These issues have been or will be resolved in an amended statement.

Disappearing debt:

The issue of disappearing debt was, we believe, caused by an error in the way that Ms. Llewellyn entered data into the online system. It appears that she started a new file every time she did a report. This caused all of the auto-populated data not to be populated resulting in errors in the debts and obligations reporting. This filing issue also caused a number of other problems mentioned in the Complaint. The campaign is working to resolve this issue.

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Double-dipping and inflation of total receipts:

It appears that Ms. Llewellyn recorded certain receipts twice in error. She was attempting to record most of the listed receipts as loans from the candidate to the committee but obviously failed to record them properly. This issue has been or will be fixed with an amended report.

The allegation that Mr. Bentivolio took money from the campaign in March without justification and later tried to repay it with a loan in June is false. Mr. Bentivolio loaned the campaign more than \$58,000 prior to repaying himself \$50,000 in March. He later loaned the campaign a lump sum of \$50,000 in June and repaid that loan to himself in July.

Failure to carry over and account for cash on hand:

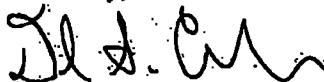
This failure was also caused by Ms. Llewellyn's failure to use the same file for all reports. Instead, she opened a new file for each report, which caused the cumulative reporting and other auto-populated data to not be auto-populated. If this issue has not already been resolved, the campaign will resolve this, and the other related issues, shortly.

No cumulative "Election Cycle-to-Date" disclosures:

Again, this was also caused by Ms. Llewellyn's failure to use the same file for all reports, which led to the data not being auto-populated.

As you can see from the response, the issues raised by the Complaint were mainly input errors resulting from inexperience with the FEC software. There are no genuine issues of impropriety or any actual violations of campaign finance law. Hopefully, the campaign's amended statements will rectify all the above issues. Please contact me if you have any questions or concerns. The campaign is anxious to resolve this Complaint, handle these items, and move forward.

Sincerely,



Daniel S. Carlson
Attorney for Kerry Bentivolio for US Congress
and Kerry Bentivolio, Treasurer